STATE OF ARIZONA

JUL 3 0 1998

DEPARTMENT OF INSURANCE

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BY	CP	

4 In the Matter of:

Docket No. 98A-113-INS

Respondent

GUADALUPE ELAINE ANDERSON

CONSENT ORDER

The State of Arizona, Department of Insurance ("Department"), has received evidence that Guadalupe Elaine Anderson ("Respondent") violated the provisions of Title 20, Arizona Revised Statutes. Respondent wishes to resolve this matter without the commencement of formal proceedings, and admits the following Findings of Fact are true and consents to entry of the following Conclusions of Law and Order.

FINDINGS OF FACT

- 1. Respondent is, and was at all material times, licensed in Arizona to transact property and casualty insurance business as an agent, Arizona license number 13791, which license expires December 31, 1998.
- 2. Respondent was employed by the Koty-Leavitt Insurance Agency, Inc. ("K-L") from June 1, 1996, until December 5, 1997, as a customer service representative.
- 3. Starting in June, 1996 and continuing through December 5, 1997, Respondent misappropriated funds from K-L clients and insurers. Respondent periodically collected cash premium payments from K-L clients, gave the client a receipt for the full amount after which respondent altered the remaining copies of the receipt book to reflect a lesser amount and Respondent kept the remaining portion of the money. Respondent misappropriated a total of \$1,838.31.

- 4. On December 5, 1997, K-L terminated Respondent's employment and conducted an audit of all Respondent's files that reflects K-L's accounting of the funds misappropriated.
- 5. On January 20, 1998, Respondent and K-L executed a stipulation in Koty-Leavitt Insurance Agency, Inc., v. Guadalupe Elaine Anderson, aka Elaine Anderson, In the Pima County Consolidated Justice Courts of the State of Arizona, wherein Respondent admits the facts set forth above. Further, pursuant to this Stipulation, Respondent agreed to make restitution to K-L for all amounts misappropriated.

CONCLUSIONS OF LAW

- 1. The Director has jurisdiction over this matter.
- 2. Respondent's conduct constitutes a wilful violation of, or wilful noncompliance with, any provision of this title, or any lawful rule, regulation or order of the Director, within the meaning of A.R.S. §20-316(A)(2).
- 3. Respondent's conduct constitutes misappropriation or conversion to her own use of monies belonging to policyholders, insurers, beneficiaries or others and received in or during the conduct of business under the license or through its use, within the meaning of A.R.S. §20-316(A)(4).
- 4. Respondent's conduct constitutes a conduct of affairs under the license showing the licensee to be incompetent or a source of injury and loss to, or repeated complaint by, the public or any insurer, within the meaning of A.R.S. §20-316(A)(7).
 - 5. Respondent's conduct constitutes fraud within the meaning of A.R.S. §20-463(A)(4).
- 6. Grounds exist for the Director to suspend, revoke or refuse to renew Respondent's insurance license, impose a civil penalty upon Respondent, and/or order restitution, pursuant to A.R.S. §§20-316(A) and 20-316(C).

<u>ORDER</u> 1 IT IS ORDERED THAT: 2 Respondent's license is revoked effective immediately. 1. 3 Respondent shall pay restitution in the amount of \$1,838.31 to Koty-Leavitt Insurance 2. 4 Agency, Inc. 5 DATED AND EFFECTIVE this 30 day of July, 1998.

1. Alulu 6 7 8 Director of Insurance 9 **CONSENT TO ORDER** 10 Respondent has reviewed the foregoing Findings of Fact, Conclusions of Law and Order. 1. 11 Respondent admits the jurisdiction of the Director of Insurance, State of Arizona, and 2. 12 admits the foregoing Findings of Fact and consents to the entry of the foregoing Conclusions of Law and 13 Order. 14 Respondent is aware of her right to notice and a hearing at which she may be represented 3. 15 by counsel, present evidence and cross examine witnesses. Respondent irrevocably waives her right to 16 such notice and hearing and to any court appeals relating to this Consent Order. 17 Respondent states that no promise of any kind or nature whatsoever, except as expressly 4. 18 contained in this Consent Order, was made to her to induce her to enter into this Consent Order and that 19 she has entered into this Consent Order voluntarily. 20 21

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1	5. Respondent acknowledges that the acceptance of this Consent Order by the Director is
2	solely to settle this matter against her and does not preclude any other agency, officer or subdivision of
3	this state from instituting civil or criminal proceedings as may be appropriate now or in the future.
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6	7.5.98 Luadalupe Suderson
7	Date Guadalupe Elaine Anderson
8	COPIES of the foregoing mailed this 30th day of July, 1998, to:
10	Guadalupe Elaine Anderson 7950 E. Stella Rd., #F13 Tucson, AZ 85730
12	Guadalupe Elaine Anderson 10000 S. Nogales Highway Tucson, AZ 85706
13 14 15	Lloyd Koty, General Manager and V.P. Koty-Leavitt Insurance Agency, Inc. P.O. Box 12649 Tucson, AZ 85372-2649
16 17	Westar Insurance Agency 144 W. Fort Lowell Rd. Tucson, AZ 85705
18 19 20	Charles R.Cohen, Deputy Director John D. Gagne, Assistant Director Maureen Catalioto, Licensing Supervisor Arizona Department of Insurance 2910 N. 44th Street, Suite 210
21 22	Phoenix, AZ 85018 Allstate Insurance Company 3075 Sanders Road, Suite H1A Northbrook, IL 60062-7127

1	American Community Mutual Insurance Company 39201 Seven Mile Road
2	Livonia, MI 48152
3	Dairyland Insurance Company 1800 North Port Drive
4	Stevens Point, WI 54481
5	Judith M. Weddle National Commercial Property Subrogation
6	Allstate Insurance Company 3800 Electric Road, Suite 401
7	P.O. Box 21169 Roanoke, VA 24018
8	Rodiloke, VA 24016
9	Curvey Walters Burton
10	Curvey Wantego Barren
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